

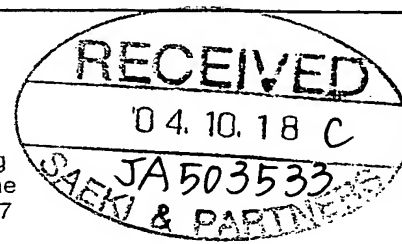
From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 72.2)

To:

SAEKI, Norio
9th floor, Taka-ai Building
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JAPON



Date of mailing (day/month/year) 14 October 2004 (14.10.2004)	
Applicant's or agent's file reference JA503533	IMPORTANT NOTIFICATION
International application No. PCT/JP2003/004627	International filing date (day/month/year) 11 April 2003 (11.04.2003)
Applicant KOWA COMPANY, LTD. et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, EP, GH, KG, KP, KR, MK, MZ, RO, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Yoshiko Kuwahara

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Translation

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference JA503533	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP03/04627	International filing date (day/month/year) 11 April 2003 (11.04.03)	Priority date (day/month/year) 12 April 2002 (12.04.02)
International Patent Classification (IPC) or national classification and IPC A61K 45/00, 31/47, A61P 7/02, 31/04, 43/00, C07D215/14		
Applicant KOWA COMPANY, LTD.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 06 May 2003 (06.05.03)	Date of completion of this report 23 October 2003 (23.10.2003)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP03/04627

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-6	YES
	Claims	1	NO
Inventive step (IS)	Claims	2-6	YES
	Claims	1	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations

The following documents are listed in the international search report.

- Document 1: Masao NAKAGAWA, "Kekkan Naihi Saibo ni okeru Kessen Seigyo-kei ni Oyobosu HMG-CoA reductase Sogaiyaku no Eikyo ni Kansuru Kenkyu," Ketsueki-kei Shikkan Chosa Kenkyuhan Ketsueki Gyoko Ijoshō Bunkakai, Heisei 12 Nendo Kenkyu Gyoseki Hokokusho, 2001, pages 42 to 44.
- Document 2: ANDO, Hitoshi et al, Cerivastatin improves survival of mice with lipopolysaccharide-induced sepsis, Journal of Pharmacology and Experimental Therapeutics, 2000, Vol. 294, No. 3, pages 1043-1046
- Document 3: WO 92/00325 A1 (Mochida Pharmaceutical Co., Ltd.)
- Document 4: MATHAY, M. A., Severe sepsis-A new treatment with both anticoagulant and antiinflammatory properties, New England Journal of Medicine, 2001, Vol. 344, No. 10, pages 759-762

Document 1 states that HMG-CoA reductase inhibitors are useful for the regulation of the coagulation-fibrinolysis system.

Document 2 states that cerivastatin is useful for the treatment of sepsis.

Document 3 states that thrombomodulin has a blood coagulation inhibitory action.

Document 4 states that inactive protein C is converted to its active form by thrombomodulin, that in patients with sepsis, active protein C is decreased by a decrease in thrombomodulin, and that active protein C is useful in the treatment of sepsis.

In light of the descriptions in documents 3 and 4, before the filing date of this application it is unlikely that there was recognition by persons skilled in the art that thrombomodulin expression promoters can be categorized as antithrombotic drugs, antiplatelet drugs, anticoagulants, and preventives/remedies for sepsis, and this examination does not find that the scope of application of the former extends beyond the scope of application of the latter. Therefore, this examination does not find that the invention of claim 1 can be distinguished from the inventions described in documents 1 or 2.

As a result, the invention of claim 1 lacks novelty and an inventive step.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Box V. 2.:

The inventions of claims 2-6 contain pitavastatin as an HMG-CoA reductase inhibitor, and none of the above documents either describes or suggests that pitavastatin has a more pronounced effect in increasing the expression of thrombomodulin than fluvastatin and pravastatin as shown in the Examples of the Specification.

The inventions of claims 2-6 are novel and involve an inventive step.
The inventions of claims 1-6 have industrial applicability.